

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MAIL BOXES, ETC., INC.,

Plaintiff,

VS.

GIL I. MCDOUGAL,

Defendant.

1:06-cv-189-SEB-VSS

ENTRY

This action is before the Court on Defendant’s First Motion to Dismiss for Improper Venue and Abstention, or in the Alternative, for Change of Venue (Docket No. 37) and Plaintiff’s Emergency Motion for Temporary Restraining Order and Injunctive Relief (Docket No. 42). The Court, having considered both motions, now rules as follows.

Defendant's Motion to Dismiss is GRANTED in part based on the clear and unambiguous forum selection clause in the parties' Franchise Agreement. As a result, the Court need not address, and does not address, the remaining issues raised by the parties. The dismissal is without prejudice to permit the re-filing of the remaining issues in the Superior Court of the State of California for the County of Los Angeles in conjunction with the pending case of Morgate, LLC, et. al v. Mail Boxes Etc. Inc., et. al, Case No. BC 294647. A judgment consistent with this Entry will issue.

IT IS SO ORDERED.

Date: 03/21/2006

Sarah Evans Barker
SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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